



GENERAL COUNSEL

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EXECUTIVE OFFICE OF
OFFICE OF MANAGEMENT
WASHINGTON, D.C. 20503

Executive Registry
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December 24, 1975

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File 04M5

Honorable William E. Colby
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Colby:

Herewith, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Establishing the United States Sinai Support Mission."

This proposed Order, along with the enclosed transmittal letter, was submitted by the Department of State, and has been revised in this office as to form.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving your comments concerning this Executive order. Comments or inquiries may be submitted by telephone to Mr. Ronald A. Kienlen (395-5600; IDS 103-5600). I will assume that you have no objection to the issuance of this proposed Order if your comments have not been received by Tuesday, December 30, 1975.

Sincerely,

William M. Nichols
William M. Nichols
Acting General Counsel

Enclosures

State Dept. review completed. Referral not required to NSC or OMB.

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MEMORANDUM FOR: WH - GENERAL SCOWCROFT
FROM : M - LAWRENCE S. EAGLEBURGER
Subject : Executive Order for the Sinai
Support Mission

After considerable discussion and deliberation, Joe Sisco and I have concluded that we need an Executive Order establishing the Sinai Support Mission in order to do the job properly. Attached is a suggested draft Order that has been cleared with all the agencies represented on the Interagency Management Board. The draft Order has also been shown informally to OMB.

The principal reason for the order is to provide the Mission Director with the authorization and flexibility he will need to deal with the contracting, financial, and personnel management problems he will face. The combination of these authorities does not exist in any single agency and can be conferred on the Director only by an Executive Order. The most important of these authorities are:

- (a) Authorization for the hiring and detailing of necessary personnel.
- (b) Authorization to make such contracts as may be necessary.
- (c) Authorization to enter into interagency agreements on behalf of the NSC.
- (d) Authorization to indemnify contractors against anticipated risks, and to follow any Government procurement regulations, or combinations thereof, as appropriate.

One hesitation we have had in allocating the funds to the Mission Director is the need for additional staff requirements that might flow from that action. We have resolved this by agreement that the administrative support function,

including financial accounting and audit, will be handled through a Participating Agency Service Agreement between the Sinai Support Mission and AID.

The activities of the SSM are gaining considerable momentum against the February 22 deadline but will soon run aground in the absence of the authorities included in the proposed Executive Order. Consequently, it is in everyone's interest to gain early approval and signature.

Attachment:

Draft Executive Order

EXECUTIVE ORDER

ESTABLISHING THE UNITED STATES
SINAI SUPPORT MISSION

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the joint congressional resolution approved on October 13, 1975 (Pub. Law 94-110, 22 U.S.C. 2441 note), the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. (a) There is hereby established the United States Sinai Support Mission.

(b) The Mission shall be composed of a Director, who shall also be a Special Representative of the President, and not more than two Associate Directors, each of whom shall be appointed by the President.

(c) The Director and the Associate Directors shall receive such compensation, as permitted by law, as the President may specify. The Director and Associate Directors shall be entitled to receive travel expenses, including per diem, in lieu of subsistence, as authorized by law (5 U.S.C. 5703).

Sec. 2. (a) The Director shall, in accordance with the provisions of this Order and under the broad policy guidance of the Assistant to the President for national security affairs, carry out

the duties and responsibilities required of the United States Government to implement the United States Proposal for an Early Warning System in the Sinai in connection with the Basic Agreement between Egypt and Israel dated September 1, 1975 and Public Law 94-110 of October 13, 1975 (22 U.S.C. 2441 Note). The Director shall perform the foregoing functions in such fashion as to inspire confidence in the parties that the United States role in the Early Warning System will strengthen the Agreement, and shall exercise continuous supervision and general direction of programs for this purpose.

(b) The Director may, to the extent permitted by law, employ such staff as may be necessary.

(c) The Director may, to the extent permitted by law and the provisions of this Order, enter into such contracts as may be necessary to carry out the purposes of this Order.

(d) As deemed necessary to facilitate its work, the Director may request any Executive agency whose activities have significant implications for the work of the Mission to designate a liaison officer to consult with and advise the Board.

Sec. 3. (a) By virtue of the authority vested in me by Section 633 of the Foreign Assistance Act of 1961, as amended (75 Stat. 454; 22 U.S.C. 2393), and in accordance with Public Law 94-110 (22 U.S.C. 2441 Note), the Director is authorized to perform the functions required by this Order without regard to the following specified provisions of law and limitations of authority:

(1) Those provisions of law specified in subsections (2), (3), (5), (6), (7), and (9) of Section 1 of Executive Order No. 11223 of May 12, 1965.

(2) Section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), Section 3732 of the Revised Statutes, as amended (41 U.S.C. 11), and Section 9 of the Act of June 30, 1906 (34 Stat. 764, 31 U.S.C. 627), to the extent necessary to permit the indemnification of contractors against unusually hazardous risks, as defined in Mission contracts.

(3) Section 2105 of Title 5 of the United States Code, to the extent necessary to permit the Sinai Support Mission to assume more direct supervision and control over the work of contractor employees, than would normally be necessary to maintain independent contractor status.

(4) Section 302(a) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 393, as amended (41 U.S.C. 252(a)), to the extent necessary to permit the Sinai Support Mission to utilize the regulations promulgated by the Department of Defense pursuant to Section 2202 of Title 10 of the United States Code.

(5) Section 304(b) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 395, as amended (41 U.S.C. 254(b)), to the extent necessary to permit the payment of fees in excess of the fee limitations described therein for permissible systems of contracting.

(b) It is directed that each specific use of the waivers of statutes and limitations of authority authorized by this Section shall be made only when determined in writing by the Director that such use is specifically necessary and in furtherance of the purposes of this Order and in the interests of the United States.

Sec. 4. (a) There is hereby established the Interagency Management Board which shall meet regularly to coordinate and advise in the activities of the Mission. The Board shall be composed of representatives to be designated by the Secretary of State, the Administrator of the Agency for International Development, the Director of the Arms Control and Disarmament Agency, the Director of Central Intelligence, the Secretary of Defense, and the representatives of such other departments and agencies as the President may from time to time designate, or as may be invited to participate in the activities of the Board upon its request. The Director of the Mission shall also serve as the Chairman of the Board.

(b) The departments and agencies represented on or invited to participate in the activities of the Board shall, to the extent permitted by law, furnish such assistance as may be required for the work of the Mission.

(c) In order to insure the success of the Mission, all Executive agencies are directed to

consider its functions as being of the highest National priority.

Sec. 5. (a) The Board may request any agency of the Executive branch of the Government to furnish it with such information, advice, and services as may be useful for the fulfillment of the Board's functions under this Order.

(b) The agencies of the Executive branch are authorized, to the extent permitted by law, to provide the Board with administrative services, information, facilities, and funds necessary for its activities.

(c) The Board may procure, subject to the availability of funds, the temporary professional services of individuals to assist in its work, in accordance with the provisions of Section 3109 of Title 5 of the United States Code.

THE WHITE HOUSE

, 1975

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